

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ZIP AVIATION, LLC,

Plaintiff,

-against-

ROBINSON AVIATION (RVA), INC. and
TOWN OF EAST HAMPTON,

Defendants.

Case No. 2:21-cv-04111

ORDER TO SHOW CAUSE

Upon the annexed Complaint filed on behalf of plaintiff Zip Aviation, LLC (“Zip Aviation,” “Zip” or “Plaintiff”); the Declaration of Itai Shoshani dated July 20, 2021 and exhibits attached thereto; the Declaration of Joshua H. Epstein dated July 22, 2021, and the supporting Memorandum of Law filed herewith; and good cause having been shown, it is hereby:

ORDERED that defendants Robinson Aviation (RVA), Inc. (“Robinson”) and Town of East Hampton (the “Town”) (together, “Defendants”) show cause, in the United States District Court for the Eastern District of New York, Courtroom _____, 100 Federal Plaza, Central Islip, NY 11722, on July ___, 2021 at _____ .m., or as soon as counsel can be heard, why an Order should not be entered, pursuant to Rule 65(a) of the Federal Rules of Civil Procedure (the “Federal Rules”), immediately enjoining Defendants, their officers, directors, agents, servants, employees, successors and assigns, and all other persons acting on their behalf or under their control in active concert and participation with any of them, from enforcing a policy (the “Policy”) of banning or denying all requests for clearance to take off and/or land using “Special Visual Flight Rules” (“SVFR”) at East Hampton Airport (“HTO”).

IT IS FURTHER ORDERED that, pursuant to Rule 65(b) of the Federal Rules, sufficient cause having been shown, pending this Court's hearing on Zip Aviation's application for a preliminary injunction providing more permanent relief, Defendants, their officers, directors, agents, servants, employees, successors and assigns, and all other persons acting on their behalf or under their control in active concert and participation with any of them, are hereby temporarily restrained and enjoined from enforcing the "No SVFR" Policy.

IT IS FURTHER ORDERED that Defendants shall serve any papers in opposition to Plaintiff's motion for a temporary restraining order and preliminary injunction by electronic mail and ECF filing upon Davis & Gilbert LLP, counsel for Zip Aviation, located at 1675 Broadway, New York, New York, 10019, Attn: Joshua H. Epstein, Esq., jepstein@dglaw.com, on or before _____ .m. on _____, 2021; and Zip Aviation shall serve any reply papers in support of its application by electronic mail and ECF filing upon counsel for Defendants, on or before _____ .m. on _____, 2021; and

IT IS FURTHER ORDERED that service of a copy of this Order, together with the papers upon which it was granted, shall be deemed good and sufficient service if served by email, by hand, by overnight mail, or by overnight courier (such as Federal Express or UPS) upon Defendants or their counsel or before _____ .m. on July ___, 2021, as follows:

Tony Roetzel
Vice President, Aviation Services
Robinson Aviation (RVA), Inc.
Operations Manager
Robinson Aviation Inc.
1601 Northwest Expressway, Suite 850
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Jameson L. McWilliams, Esq.
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Office of the Town Attorney
Town of East Hampton
159 Pantigo Road
East Hampton, NY 11937
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This Order issued this ____ day of July 2021, at _____.m.

U.S.D.J.